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The Rights of Government not incompatible with
the Rights of Man.

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S E R M O N,

PREACHED AT THE

A S S I Z E,

HELD AT

C H E L M S F O R D,

IN THE

C O U N T Y O F E S S E X,

BEFORE

The Hon. Mr. Justice Gould, and Mr. Justice Wilson.

AUGUST 1, 1791.

L O N D O N.

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The Rights of Government not the Rights of Man

STEFAN M. O'NEILL

PRESENTED AT THE

ASSISTANT

RECORD

CHURCHMAN'S RECORD

IN THE

COUNTY OF HESKETH

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P R E F A C E.

THE following Discourse was pronounced from the pulpit at Chelmsford, in the County of Essex, at the Summer Assize, before a large and respectable Congregation. The approbation it met with from a considerable part of the audience was checked by the reproof of a leading Counsel at the Bar, *George Ross*, who being retained in a cause which excited much public curiosity, seized the opportunity of stepping out of his way in a very crowded court, to reflect on the composition as resembling a Political Pamphlet rather than a Sermon. The Writer could not avoid personally thanking this Gentleman for recommending that to fame which otherwise would have been buried in oblivion; and how much soever he may have been mortified by the censure of so able an Advocate, he was consoled when he called to mind the political character of a member of the Revolution Society, and steward of the late anniversary dinner at the Crown and Anchor. To condemn the subject doctrine of Passive Obedience, to repress the intemperate zeal for licentious Innovation, and to enforce the duty of Obedience to Rulers whose chief care is the public Safety, are the objects of this performance. Appealing from the prejudice of an individual to the candor of the public, the author hopes to be excused in the attempt, by those who prefer system to anarchy, and order to confusion.

P R E F A C E

The following Discourse was pronounced from the pulpit at Chelsea, Mass., on the 1st of May, 1840, at the Summer Session of the Unitarian Congregation. The subject was "The Duty of the Christian to Obey the Law of God." The Discourse was checked by the report of a hearing, and the author, who being confined in a state which rendered it impossible for him to attend, was obliged to leave the city in a very early stage of the season. The author could not avoid partially thanking the Unitarian Congregation for the honor which they had conferred upon him by the invitation to preach on this subject. He was confident when he called to mind the character of a member of the Revolution Society, and how it was to be maintained, that to some which otherwise would have been a great honor, and not much less, he may have been indebted for the opportunity of doing so. He was confident when he called to mind the character of a member of the Revolution Society, and how it was to be maintained, that to some which otherwise would have been a great honor, and not much less, he may have been indebted for the opportunity of doing so. He was confident when he called to mind the character of a member of the Revolution Society, and how it was to be maintained, that to some which otherwise would have been a great honor, and not much less, he may have been indebted for the opportunity of doing so.

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S E R M O N, &c.

The passages marked with inverted commas were inserted in the original manuscript, but omitted in the delivery from the pulpit; they are now restored to their proper places, the better to preserve the connexion.

ST. MATTHEW, Chap. XXII. Part of the 21st Verse.

RENDER TO CÆSAR THE THINGS WHICH ARE CÆSAR'S.

IN searching into and explaining what is due unto Cæsar; or, in other words, determining the degree of respect and obedience due to the supreme Magistrate, divines have run into wide and dangerous extremes. A metropolitan of the Gallican Church,* in a mandate addressed to his diocese against a popular treatise on education, has carried this matter very high. "Your duty," says he, "to the Supreme Being, alone should set bounds to your submission to your prince; and if then you should be deemed culpable, and suffer for your obedience to his great commands, you should submit without murmur or complaint. Even Nero and Domitian themselves, who chose rather to be a scourge to the earth than the fathers of their people, were accountable only to God for the abuse of that power he put into their hands."

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* Christopher de Beamont, Archbishop of Paris.—Rousseau's Works, Vol. III. p. 231.

It needs no argument to reply to this injunction. Facts have sufficiently conspired to shew its fallacy; and such opinions have led to the overthrow of the church which maintained, as well as of the state that patronized and adopted them. A political divine of our own country, emphatically stiled the Apostle of Liberty, has taken the opposite ground. He has done little more than introduce and apply the republican doctrine of a writer of the last century to the present times, who by too cruel a sentence fell a martyr rather to his tenets than his crimes. The principle is the same in both; but it is conveyed by the latter in a less exceptionable style, and unmixed with the sour leaven of the preacher. *He asserts, that nations have a right to make their own laws, constitute their own magistrates; and that such as are so constituted, owe an account of their actions to those, by whom and for whom they are appointed. And the meaning is further elucidated by a late writer,† “That the right to do these things exists not in this or that person, or in this or that description of persons, but that it exists in the whole; that it is a right resident in the nation.” Upon which it may be observed, that the greater part of the people at large in every nation are occupied in providing their daily bread, and of course think but little either of the past or the future; acting therefore from the impulse of the present moment, whether right or wrong in itself, they will ever be the dupes of ambitious and designing men, who having an interest in bringing about a change by inspiring them with a contempt and hatred for their governors, will possibly infuse into them an intemperate spirit of licentiousness, which will render them as unfit to be controlled by the new magistrates as by the old. In considering the sovereign only as a servant of the public, the preacher before spoken of gives him responsibility without respect. “A king,” says he, “is no more than the first servant of the public; created by it, and responsible to it.” In answer to which, it has been always allowed that the responsibility of ministers, at

* Algernon Sydney's Works.

† Payne's Rights of Man.

the same time that it affords safety to the prince, gives security to the people in their punishment, whilst commotions are avoided which direct attacks on the sovereign himself would occasion. Between this political Scylla and Charybdis, to avoid the sunken rocks on one side, and the vortices on the other, let us take for our pilot Jesus Christ himself, the Captain of our Salvation.

The first things to be rendered to Cæsar, or the supreme magistrate, are honor and respect; and those not only on account of personal excellencies, and abilities natural or acquired (though they are additional inducements) but from duly considering whose authority he hath, and whose commission he bears. For though St. Peter calls government an human ordinance,* (and so it is, with respect to the particular model or form which is left to human designation) yet as God is the God of order and not of confusion, and "on such order the connexion and preservation of all things depend,"† and order cannot be maintained without some kind of government, government in general must be the will of God; and in this sense St. Paul asserts that the powers which be, are ordained of God. Even in the Jewish state, which was a theocracy, some visible magistrate was appointed to go in and out before the people. One of the first motives to civil society, and which becomes one of its fundamental rules, is, that "no man shall be a judge in his own cause."‡ For generally from an attachment to self-interest men are so partial to themselves, that if their rights (or what they fancy to be so) were left to their own decision, endless strifes and controversies must ensue, without some public standing rule, some person vested with authority to be a judge and divider over them, to whose sentence

* Submit yourselves to every ordinance of MAN, for the Lord's sake, I. Peter, c. 2. v. 13.

† Rousseau's Letter to the Archbishop of Paris, Vol. III. p. 284.

‡ Burke's Pamphlet, p. 88.

sentence the disturbers should be obliged to submit, to procure the peace and tranquillity of the rest. Since then the blessings of government are so great to society, reverence must be due to the person in whom the power is vested; and a proportionable part to those in subordinate authority under him.

Secondly, and for the same reason, allegiance and obedience are due to the supreme magistrate; not indeed a blind and implicit obedience to arbitrary will and despotic sway, but a legal obedience according to compact; a directed and limited obedience by laws enacted by the community, or, which amounts to the same, by its representatives. Whosoever refuses such an obedience deservedly forfeits the benefits of society, for endeavouring to dissolve the bond by which it is united: And when by repeated acts of violence and outrage men throw themselves back into a state of nature and prey upon one another, then power ought to be exerted with effect. Some severity must be used, for the public and personal safety, for the protection of property; and also, which is the salutary view of capital punishments, for example sake.

Thirdly. What the text expressly commands is the payment of the tribute money. St. Paul enforces it from the consideration of office. For this cause, says he, pay you tribute also; for they are God's ministers, attending continually on this very thing. And what that is, he expresses in a verse before: He beareth the sword, and not in vain; but to execute punishment upon him that doeth evil, and for the defence and encouragement of them that do well. But the burthen of government is not to be sustained by one alone. And so Jethro, the father in law of Moses, gave him advice which he prudently followed. "Thou shalt provide out of the people able men, and let them judge the people at all seasons." The attendants of the king of Babylon are enumerated, governors and captains, judges, treasurers, counsellors, sheriffs and

and rulers of provinces. To keep the great body politic in regular motion, requires much attention, study, and the labour of many hands; to which, if we add the force necessary to maintain our independence, to support our allies, to curb and overawe foreign powers and domestic enemies, we find, in recent cases, the expences are not easily calculated with precision by those who have the best abilities and fullest information. But if nothing is granted unnecessarily, or lavishly employed, such contributions may be looked on in the nature of an insurance, so much deposited to secure and preserve the possession of the rest. Yet great caution ought to be used not to permit the expenditure to exceed the income, so far as deficiencies accumulating from time to time might eventually produce a failure of public credit; for then individuals either must suffer for their confidence in the state, or re-imburse themselves out of the property of those who were more cautious; the consequences of which it will be much easier to imagine than to remedy. The check placed in our constitution of bringing the public accounts under the annual review of parliament is most salutary. The ingenious author of the Spirit of Laws seems to have this in contemplation when he calls the "British Government one of the wisest in Europe, because there is a body which examines it perpetually, and is perpetually examining itself; and its errors are of such a nature as never to be lasting, and are frequently useful by rousing the attention of the nation." In a limited monarchy, which is our happiness, and which has been well imagined to resemble a pyramid whose construction renders it most difficult to be overturned, the broad base being founded on the legislative, and the executive power terminating in a single person, prerogative and privilege, power and liberty, are so bounded and ascertained, and consequently the reciprocal offices and duties of prince and people so intimately blended and mutually co-operate with each other, that it is much to be wondered at, and cannot be too much lamented, that we see persons daily coming forward with visionary schemes of reform, tending to introduce

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discontent

discontent and anarchy, or the most ferocious and indiscriminating of all tyrannies, the ochlocracy or despotism of the rabble.* Nothing can place the excellency of the British Constitution in a stronger point of view, than its being avowedly taken in a considerable part as the model of the new government in the Polish State; an event which militates against the popular argument of a late political writer,† and shows how little regard is due to a self-sufficient theory, when we see it contradicted by the practice of a wise and enlightened nation, who have bound themselves and their posterity to submit to an hereditary sovereign rather than leave him to the fluctuating and tumultuous choice of successive generations. “The author before alluded to, has severely censured the British parliament of 1688 for setting up what he terms a right by assumption, to bind and control their posterity by limiting the succession to the crown, and yet gives the present National Assembly in France a similar power.” “The authority of the present National Assembly (says he) is to form a constitution. The authority of future assemblies will be to legislate according to the principles and forms prescribed in that constitution; and if experience should hereafter shew that alterations, amendments, or additions are necessary, the constitution will point out the mode by which such things shall be done, and not leave it to the discretionary power of the future government.” And what is all this but to endeavour to bind their posterity, as they may hope, for ever? If each age and generation was self-existent, it would doubtless be free to act for itself; but as God has a right, as our Creator, to bind his creatures in matters of religion by a revelation of his will, so our forefathers, from whom under God we derive our being, have a right to bind their posterity by certain forms of government which experience has shewn them to be most conducive to the peace and prosperity of their country, as well as to the preservation of their own liberties, and the best inheritance they could leave them:

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* M^r Intosh.

† Mr. Payne.

Otherwise, even the rising generation, till they arrive at manhood to delegate their right or judgment to form one for themselves, would live without any government at all; and every act of power exercised over them would be, to use the expressions of the writer last cited, the most insolent of all tyrannies. To such absurdities and contradictions are men driven who oppose a weak, and visionary system of their own to the wisdom, the experience, and practice of mankind.

As widely as divines have differed about the degree of respect and obedience due to the Cæsar, or king of a country, so widely have some late popular writers differed upon the necessity of the existence of such a personage at all. "Without monarchy in England," says one,* "we most certainly never can enjoy either peace or liberty." "It would puzzle," says another,† "the wisest head to discover for what he could be wanted, and what service he could render, when the people of England sent for George the First. This author denies the right of our ancestors in parliament to bind their posterity, and yet gives posterity a right to arraign their conduct, and to tell them they neither knew what they wanted, or how to get their wants supplied." Without entering into the abstract question, whether a unity or plurality in the executive part of government be best, it is well known that parties, to whose watchful care we at some times have owed the preservation of our liberties in this kingdom, have at other times been so nearly balanced, that without the weight, the influence, the patronage, and revenue of the crown thrown into one of the scales, the executive power would have been at a stand, every thing would have run into confusion, and possibly have ended in a civil war instead of attainders and imprisonments; and this in all likelihood would have been the case had not a late seasonable and popular check been given to some dangerous doctrines, which represent kings as the most insignificant and

useless

* Mr. Burke.

† Mr. Paine.

useless of human beings, and erect the sovereign will of the people as the only infallible and perfect standard of human government.

Equality is held to be the basis of liberty; but that liberty would be of short duration which has no other support. In the state of nature, the strong oppresses the weak; in a state of society, the man of understanding will govern the ignorant; and in the political state one cannot bear an equal, nor another a superior. Hence those struggles for pre-eminence amongst potent rivals, which reduced the most free and flourishing republics in the world under the dominion, or, to speak more truly, under the anarchy of the sword. Thus perished the Grecian and Roman commonwealths; while Great Britain is possibly preserved by the portion of monarchy mixed in its constitution, because no subject can be king until he has been first a rebel. 'Tis not the objection to a particular form of government, but the aversion that some men have to see power in any other hands but their own, which has brought about the great changes which states have undergone. In this principle the late revolution in America originated and ended. This is one of the two revolutions, (both of which are called glorious) which a late patriotic preacher is thankful that he lived to see; and however apparently willing to depart one may conclude, from the manner he spoke of those, he would have been contented to tarry, in hopes of seeing a third: Whilst every good citizen who wishes well to the glory and stability of the British empire, laments that he lived long enough to be a witness of so fatal a separation of its distant and dependant parts; by the union of which, so salutary to both countries, the expence of continental connexions in Europe becoming superfluous, Great Britain would have been herself a balance to the whole world beside, by her fleets ready to be victualled from the fertile soil, and manned by the numerous inhabitants of those provinces. It might be asked, How came she to be so suddenly cast down from this pinnacle of power, from whence she viewed, as in a short vision,

vision, all the kingdoms of the world and the glory of them? We should be at a loss to answer this question, if it had not been lately resolved by the mouth of the parties themselves, who publicly avowed their meetings, to rejoice when the enemies of their country were victorious, and to weep over the defeats of those who, abjuring their allegiance, died in fighting against it. Nor is it an unfair conclusion, that they at least encouraged, if they did not assist those in whose concerns they took so feeling a part, without remorse or pity for others who sacrificed their lives and fortunes because they loved their natal soil with the warmest affection, and thought it sweet and honourable to die for their country. It is natural for men to love their children; it is natural for men to love the place of their nativity: But modern philosophy abandons her offspring to be fed by public charity; and modern patriots weep over the successes, and rejoice in the decline of the country which had the misfortune to give them birth.

It has been observed, that the actions of great bodies must ever be ascribed to general causes; but it is equally certain, that the interest of individuals ever enters into such questions, and at last, more than the public good, determines the point, whether the old system is to be preserved or a new one introduced. The present situation of a neighbouring country affords an instructive lesson to the governing and governed over the whole world. The administration was carried on, not by single but by successive gradations of despots. The instruments of imprisonment, torture and death, were used not only to support arbitrary power, but were put up to auction to gratify the ambition, avarice, revenge, or jealousy of individuals. The aristocratic taste for frivolous amusements and thoughtless dissipation had exposed that body to public contempt; and if we believe their own despondent ejaculation, contributed not a little to their ruin. The people everywhere delighting in extremes, have passed from excess of vassalage to an inordinate love of liberty; and as the lava, long fermented by intestine heat, issuing from
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the mouth of the volcano, carries before it towns and villages, churches and houses, men and cattle, and the produce of fields; so the public mind, long irritated by oppression, and supplied with fresh fuel by ambitious and interested men, breaks out into rage, overthrowing the government, laws, religion, and property of a nation. The torrent is too violent to be stemmed, because, in public commotions the worst man has the best chance; and they who have nothing to lose, who are always the most numerous, are the only gainers, while good citizens sigh in vain for the restoration of the quiet which they love.

These outlines are traced with no other view but to cut off every argument of the necessity of a reform in this country, deducible from circumstances analogous to those described. With us the times are not only moderate but prosperous, and therefore ought to be peaceable. A more central force, from a less extended dominion, an increase of trade instead of a probable diminution, the national income exceeding the annual expenditure without any additional tax, a seasonable armament answering the end of a successful war, the best œconomy of blood and treasure; a powerful mediator of peace amongst belligerent states, a safe asylum to the persons, and a secure deposit for the property of distressed individuals are circumstances which, as they conspire to make us the happiest nation upon earth, so they ought to make us the most grateful to Providence, who has so highly favoured us, and forcibly attach us to our king, our constitution, and our country. Nor ought it to be forgotten, that besides their attention to foreign concerns, the last parliament has displayed great humanity in the steps they have taken to discriminate between the unfortunate debtor, to whom they intend relief, and the fraudulent one who scarcely deserves it; nor have they shewn less regard to the freedom of the press, by vindicating the right of jury in cases of libels, to give a general verdict upon the whole of the charge, that their conduct tends to condemn both the matter and manner of a public

publication,* in which the shortening of the duration of parliament, and a more extensive right of election are insisted on under menaces of popular indignation, and of being demanded in a tone too peremptory to be neglected. The author of the Spirit of Laws has laid it down as an axiom, that the constitution of this country cannot be in danger till the legislative become more corrupt than the executive power. But there must appear more signs of corruption than at present, to make parliamentary reform a colourable pretext of popular tumults; and it might reasonably have been expected, as it has recently happened, that public indignation would rather be directed against those who thus attempt to disturb, than against those who wish to preserve the public tranquillity. A popular insurrection is, in the ablest hand, a dangerous weapon, and like the aerostatic machine, incapable of direction, is often fatal to the artist who raised it. Whether it were possible to alter the form of this government for a better, according to the plans of philosophers, who have taken a great deal of pains to enquire into the utmost degree of liberty to which the constitution of a state may be carried, is not here the question: But while the king acts within the legitimate prerogative of his office; while judges execute the laws with purity, mercy, and justice; while the magistrates strengthen their hands by every loyal and legal exertion; while the aristocracy use their honours and fortunes with moderation, and the people, fearless of oppression, enjoy their liberty, property, and security, there is no danger of our changing the substance for the shadow, real for imaginary blessings; and we may equally despise the fallacious promises, and neglect the impotent threats of those who vainly strive to raise their own consequence on public commotions, and the ruin of the state.

It is a comfort to hear it confessed by some disciples of liberty, that the grievances of England do not at present justify a revolution; and it will be making a proper use of this respite to prepare ourselves for the moment which
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* Address to the Public from the Society for Constitutional Information, May 28, 1791.

it is said, in the prophetic style, will infallibly arrive when virtue and honour will compel them to seek freedom with the sword.* The first of the natural rights of man is self-defence; and if the moment must infallibly arrive when the question will be brought to issue, whether the power and property of the kingdom is to change hands or not; those in possession have so manifest an advantage that they can never lose it without their own faults; that is, unless they discover less zeal, honour and virtue in the defence than the assailants do in their attacks upon the constitution.—Thus feebly attacked and ably defended, we may hope that the excellent form of government, civil and ecclesiastical, transmitted to us by our forefathers, will be delivered down not only unimpaired but improved to our descendants; and that, advancing forwards as far as the nature of all human establishments will admit to higher degrees of perfection, it may continue to flourish as long as the world endures.

• M. Intosh.

THE END.

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